

## TITLE 16 DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 150 Anza Boulevard, Burlingame, California 94010. The telephone number is (650) 342-4600. The hearing will be held at 1:30 p.m., on July 11, 2003.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office no later than 5:00 p.m. on July 7, 2003, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614, 1757, and 1769 of the Business and Professions Code, and to implement, interpret or make specific Sections 1757 and 1769 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### Amend 16 California Code of Regulations Sections 1087 and 1089

Regulation Sections 1087 and 1089 define the duties that Registered Dental Assistants in Extended Functions (RDAEFs) and Registered Dental Hygienists in Extended Functions (RDHEFs) are allowed to perform, and the settings and level of dentist supervision required when performing such duties.

The proposed changes would expand the duties that RDAEFs and RDHEFs are allowed to perform. The proposed changes would also allow the degree of supervision to be determined by the dentist, commensurate with the EF's knowledge, skills, and abilities, unless the Board determines that the supervision level should be established by regulation for a particular duty.

#### Add California Code of Regulations Section 1087.2

The proposed changes would require that each person who holds a license as an RDAEF or RDHEF on the effective date of the regulation change, must provide evidence of having completed a board-approved course or courses, and an examination of five of the new duties prior to their performance, and also as a condition of renewal on or after January 1, 2006.

#### Add California Code of Regulations Section 1087.1 and 1089.1

The proposed changes would allow an EF to be employed or supervised by an RDHAP if limited to duties falling within the scope of practice of both the EF and RDHAP.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

It is estimated that the cost to persons may be \$2,600 to complete the required educational and examination requirements.

Effects on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would not affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

No alternatives were considered for this requirement, since education and passage of an examination is essential as a condition of performing the new duties to protect the public, which include the actual placement and finishing of final restorations (cavity fillings).

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, California 95825

Telephone: (916) 263-2300  
Fax Number: (916) 263-2410  
E-Mail Address: [linda\\_madden@dca.ca.gov](mailto:linda_madden@dca.ca.gov)

The back-up contact person is:

Name: Karen Wyant  
Address: 1428 Howe Avenue, Suite 58  
Sacramento, California 95825  
E-Mail Address: [karen\\_wyant@dca.ca.gov](mailto:karen_wyant@dca.ca.gov)

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at [www.dbc.ca.gov](http://www.dbc.ca.gov)

## Proposed Language

Amend Section 1087 to read:

### **1087. RDAEF Duties and Settings.**

~~(a) Unless specifically so provided by regulation, the prohibitions contained in Section 1085 apply to RDAEFs.~~

~~(b) An RDAEF may perform all duties assigned to dental assistants and registered dental assistants.~~

~~(c) (a) An RDAEF is only permitted to may perform the duties that an RDA is allowed to perform, and the additional duties procedures set forth below, as assigned to him or her by the supervising dentist: under the direct supervision of a licensed dentist when done so pursuant to the order, control and full professional responsibility of the supervising dentist. Such procedures shall be checked and approved by the supervising dentist prior to dismissal of the patient from the office of said dentist.~~

~~(1) Perform Gcord retraction of gingivae for impression procedures;~~

~~(2) Take impressions for cast restorations and removable prosthesis;~~

~~(3) Take impressions for space maintainers, orthodontic appliances and occlusal guards Place and finish restorations using direct filling materials.~~

~~(4) Prepare enamel by etching for bonding Fit and cement stainless steel crowns~~

~~(5) Formulate indirect patterns for endodontic post and core castings;~~

~~(6) Fit trial endodontic filling points;~~

~~(7) Apply pit and fissure sealants Chemically irrigate endodontic canals prior to drying;~~

~~(8) Remove excess cement from subgingival tooth surfaces with a hand instrument;~~

~~(9) Apply etchant or chemicals to prepare enamel and dentin for placement of final restorative materials for bonding restorative materials.~~

~~(10) Take facebow transfers and bite registrations for permanent prosthesis.~~

~~(b) The degree of supervision for each procedure authorized by this section shall be determined by the supervising dentist, unless otherwise specified by regulation of the board.~~

~~(c) (c) Settings. Registered dental assistants in extended functions may undertake the duties authorized by this section in a treatment facility under the jurisdiction and control of the supervising licensed dentist, or in an equivalent facility approved by the board.~~

Note Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1614, 1756 and 1757, Business and Professions Code.

**Add Regulation Section 1087.1 to read:**

1087.1. A registered dental assistant in extended functions may perform the duties specified in Section 1087 under the supervision of or as an employee of a RDHAP:

(a) in any setting in which the RDHAP is allowed to practice;

(b) under the same levels of supervision specified in section 1087; and

(c) provided that the duty performed by the registered dental assistant in extended functions is legally allowed to be performed by the RDHAP.

Note Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1756 and 1757, Business and Professions Code.

**Add Regulation Section 1087.2 to read:**

1087.2. (a) Each person who holds a license as a RDAEF or RDHEF on the effective date of this section shall provide evidence of having completed a board-approved course or courses in the following functions, and an examination required by the board, prior to the performance of such procedures:

(1) Fitting and cementing stainless steel crowns;

(2) Placing and finishing restorations using direct filling materials;

(3) Taking facebow transfers and bite registrations for permanent prosthesis;

(4) Taking impressions for removable prosthesis;

(5) Chemically irrigate endodontic canals prior to drying.

(b) By January 1, 2006, each person who holds a RDAEF or RDHEF license shall provide evidence of having successfully completed a board-approved course or courses in the following functions, and passage of an examination required by the board. Failure to comply with this section shall result in automatic suspension of the license which shall

be reinstated upon the receipt of evidence that the licensee has successfully completed the required courses. Completion of the courses may be counted toward fulfillment of the continuing education requirements governed by Section 1645.

- (1) Fitting and cementing stainless steel crowns;
- (2) Placing and finishing restorations using direct filling materials;
- (3) Taking facebow transfers and bite registrations for permanent prosthesis;
- (4) Taking impressions for removable prosthesis;
- (5) Chemically irrigate endodontic canals prior to drying.
- (c) The length and content of the courses shall be governed by applicable board regulations.

Note Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1756 and 1757, Business and Professions Code.

**Amend Regulation Section 1089 to read:**

**1089. RDHEF Duties and Settings.**

A registered dental hygienist in extended functions is only permitted to perform those duties that an RDAEF or RDH is allowed to perform under the same specified conditions, as assigned to him or her by the supervising dentist and under the degree of supervision determined by such dentist unless otherwise specified by regulation of the board.

~~(a) Unless specifically provided by regulation, the prohibitions contained in Section 1085(a) (1) through (8) shall apply to RDHEFs.~~

~~(b) A RDHEF may perform all duties assigned to dental assistants, registered dental assistants and registered dental hygienists.~~

~~(c) A RDHEF may perform the procedures set forth below under the direct supervision of a licensed dentist when done so pursuant to the order, control and full professional responsibility of the supervising dentist. Such procedures shall be checked and approved by the supervising dentist prior to dismissal of the patient from the office of said dentist.~~

- ~~(1) Cord retraction of gingivae for impression procedures;~~
- ~~— (2) Take impressions for cast restorations;~~
- ~~— (3) Take impressions for space maintainers, orthodontic appliances and guards;~~
- ~~— (4) Prepare enamel by etching for bonding;~~
- ~~— (5) Formulate indirect patterns for endodontic post and core castings;~~
- ~~— (6) Fit trial endodontic filling points;~~
- ~~— (7) Apply etchant for bonding restorative materials.~~

~~(d) Settings. Registered dental hygienists in extended functions may undertake the duties authorized by this section in a treatment facility~~

~~under the jurisdiction and control of the supervising dentist, or an equivalent facility approved by the board.~~

~~Note Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1614 and 1762 1768 and 1769, Business and Professions Code.~~

**Add Regulation Section 1089.1 to read:**

1089.1. A registered dental hygienist in extended functions may perform the duties specified in Section 1089 under the supervision of or as an employee of an RDHAP:

- (a) in any setting in which the RDHAP is allowed to practice;
- (b) under the same levels of supervision specified in section 1089; and
- (c) provided that the duty performed by the registered dental hygienist in extended functions is legally allowed to be performed by the RDHAP.

Note Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1768 and 1769, Business and Professions Code.